

REMARKS

The above amendments have been provided based on the format described at 1265 Off. Gaz. Pat. Office 87 (December 17, 2002) and as authorized by Deputy Commissioner for Patents, Stephen Kunin on January 31, 2003.

Claim 19 has been amended to correct a typographical error in its claim dependency.

Claims 24-26 have been amended to use alternative language to refer to the same compounds as recited in the claims as originally filed. Support for the amendment is provided at least on pages 20-23 of the instant application (see especially Table 1, Table 2, and Table 3) as well as pages 35-41, Example 5, which provides spectral data for compounds as encompassed by the claims.

No new matter has been introduced, and entry of the amendments is respectfully requested.

Withdrawal of claims 27-30 from consideration

Claims 16-26 have been examined, with claims 27-30 indicated as withdrawn from consideration. Applicants respectfully point out, however, that the traversal of a restriction between claims 16-26 and claims 29-30 as submitted with the election filed August 12, 2002 (mailed August 5, 2002) has not been addressed.

As noted with the election, the invention of claims 29-30 are related to the invention of claims 16-26 as subcombination to combination, respectively. Because no basis for restriction between a subcombination and a combination has been presented, claims 29-30 should be examined with claims 16-26.

As for claims 27-28, Applicants again note that they are directed to methods of using the invention of claims 16 and 25, respectively. Therefore, claims 27-28 are subject to rejoinder as set forth at MPEP 821.04.

Rejection under 35 U.S.C. § 112, first paragraph

Claims 24-26 have been rejected under 35 U.S.C. § 112, first paragraph as allegedly containing subject matter not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicants have carefully reviewed the statement of the rejection and traverse as follows.

The statement of the rejection alleges that the instant application does not disclose the use of the compound reference numbers as recited in the claims. Applicants respectfully direct the Examiner's attention to pages 20-23 of the instant application (see especially Table 1, Table 2, and Table 3) which utilize the compound reference numbers as recited in the claims. These portions of the application, in combination with Figures 3 and 4 of the application, provides representations of the structures of the compounds as claimed.

Moreover, the Examiner's attention is directed to Example 5 on pages 35-41 of the application, which provides spectral data for compounds as encompassed by the claims.

In light of the above, Applicants respectfully point out that the compounds, as well as the use of the numerical reference numbers, are adequately described in the specification. Applicants respectfully request withdrawal of the instant rejection.

Prior art rejection under 35 U.S.C. § 102(b)

Claims 16-23 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Dolphin et al. (USP 5,648,485). Applicants have carefully reviewed the statement of the rejection and the cited reference and traverse because no *prima facie* case is present for the following reasons.

Claims 16-23 are directed to compounds comprising *para* and *meta* substituted phenyl groups present at the *meso* positions of the macrocycle depicted in claim 1. The groups at the *meso* positions are identified as S₁, S₂, S₃, and S₄. Claim 1 expressly recites that at least two of these groups "are para substituted phenyl groups". Claims 17-23 are all dependent from claim 16 and thus have all the limitations of claim 16, including the limitation quoted above.

Dolphin et al. fail to disclose any compounds with para substituted phenyl groups at the *meso* position of a macrocycle within the scope of instant claim 1. Accordingly, Dolphin et al. cannot anticipate the claims. Accordingly, this rejection should be withdrawn.

CONCLUSION

In light of the above discussion and traversals, Applicants believe that claims 16-26 are in condition for allowance and urge early indication to that effect. Additionally, claims 27-30 should be rejoined with claims 16-26 and similarly allowed. The Examiner is encouraged to contact the undersigned to expedite prosecution of the instant application.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 273012011200.

Respectfully submitted,

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By: _____



Kawai Lau, Ph.D.
Registration No. 44,461

Morrison & Foerster LLP
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-5178
Facsimile: (858) 720-5125